

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE ENROLLED ACT No. 1050

AN ACT concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. P.L.37-1998, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2001 (RETROACTIVE)]: SECTION 3. (a) As used in this SECTION, "commission" refers to the Indiana commission on mental health established by this SECTION.

(b) The Indiana commission on mental health is established.

(c) The commission consists of sixteen (16) members **determined as follows:**

(1) The speaker of the house of representatives and the president pro tempore of the senate shall each appoint two (2) legislative members, who may not be from the same political party, to serve on the commission.

(2) The governor shall appoint ~~twelve (12)~~ **thirteen (13)** lay members, not more than ~~six (6)~~ **seven (7)** of whom may be from the same political party, to serve on the commission as follows:

(~~1~~) **(A)** Four (4) at-large members, not more than two (2) of whom may be from the same political party.

(~~2~~) **(B)** Two (2) consumers of mental health services.

(~~3~~) **(C)** Two (2) representatives of different advocacy groups for consumers of mental health services.

(~~4~~) **(D)** Two (2) members of families of consumers of mental health services.

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~~(5)~~ **(E) Two (2) Three (3)** members who represent mental health providers. **One (1) of the members appointed under this clause must be a representative of a for-profit psychiatric provider.** One (1) of the members appointed under this ~~subdivision~~ **clause** must be a physician licensed under IC 25-22.5.

(d) Except for the members appointed under subsection ~~(c)(5)~~, **(c)(2)(E)**, the members of the commission may not have a financial interest in the subject matter to be studied by the commission.

(e) The chairman of the legislative council shall designate a legislative member of the commission to serve as chairman of the commission.

(f) Each legislative member and each lay member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on interim study committees established by the legislative council.

(g) The commission shall do the following:

(1) Study and evaluate the funding system for managed care providers of mental health services.

(2) Review and make specific recommendations regarding the provision of mental health services delivered by community managed care providers and state operated hospitals.

(3) Review and make recommendations regarding any unmet need for public supported mental health services in any specific geographic area or throughout Indiana. In formulating these recommendations, the commission shall consider the need, feasibility, and desirability of including additional organizations in the network of managed care providers.

(4) Review the results of the actuarial study which must be submitted by the division of mental health **and addiction** to the commission not later than thirty (30) days after completion of the actuarial study.

(5) Make recommendations regarding the application of the actuarial study by the division of mental health **and addiction** to the determination of service needs, eligibility criteria, payment, and prioritization of service.

~~(h) The commission shall submit recommendations under subsection (g) to the secretary of the family and social services administration and to the legislative council before July 1, 1998.~~

~~(i)~~ **(h)** The commission shall:

(1) monitor the implementation of managed care programs for all

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populations of the mentally ill that are eligible for care that is paid for in part or in whole by the state; and

(2) make recommendations regarding the commission's findings under subdivision (1) to the appropriate division or department.

~~(j)~~ (i) This SECTION expires January 1, ~~2002~~: **2004**.

SECTION 2. **An emergency is declared for this act.**

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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